


<p>California Department of Justice DIVISION OF CALIFORNIA JUSTICE INFORMATION SERVICES Nick L. Dedier, Director/CIO</p> 	<h1>INFORMATION BULLETIN</h1>	
<p><i>Subject:</i></p> <p><b>Megan's Law Internet Update</b></p>	<p><i>No.</i></p> <p><b>04-23-BCIA</b></p> <hr/> <p><i>Date:</i></p> <p><b>12/27/04</b></p>	<p><i>Contact for information:</i></p> <p>Susan Houston, Analyst Sex Offender Tracking Program (916) 227-4104</p>

**TO: ALL CALIFORNIA LAW ENFORCEMENT AND CRIMINAL JUSTICE AGENCIES**

This is a follow-up to Department of Justice (DOJ) Information Bulletin #04-19-BCIA, dated 10/09/04, entitled "Megan's Law for the Internet VCIN Entry Changes" which notified agencies that Assembly Bill (AB) 488 was signed into law as "urgency" legislation on September 24, 2004, and added Section 290.46 to the California Penal Code (PC). Further, it identified and explained programming changes made to the Violent Crime Information Network (VCIN) data base which impacted the entry of sex registration data.

Since AB 488 became law, the DOJ has undertaken an intensive planning and development effort to implement the provisions of Section 290.46 PC. Following is a summary of this effort and a discussion as to how the law may impact law enforcement agencies (LEAs).

**Megan's Law Internet Web Site**

The new Internet Web site is officially designated as the Megan's Law Internet Web site. It is accessible either directly at <http://meganslaw.ca.gov> or through a link on the Attorney General's (AG's) Home Page at <http://ag.ca.gov>. On December 15, 2004, the Web site became operational and immediately provided the public with the following information on displayed registered sex offenders: name and any known aliases used; specific residence address or ZIP Code; physical description; offense conviction(s) related to their registration requirement; and a photograph.

To enhance the value of the Internet Web site for users, the DOJ has included a mapping functionality within the application software. This feature allow users to search the associated data base by name, address, city, county, park, or school. The map displays the location of sex offenders residing within that area by residence address and allows the user to pull up complete offender profile information with a single click of the mouse. In addition, complete listings of offenders are also available which include offenders on whom specific residence addresses cannot be provided.

**Display Status Categories of Sex Offenders on the Web Site**

Section 290.46 PC mandates that registered sex offenders be placed into one of the three following categories based on criteria specified in AB 488:

1) Full Address. A sex offender in this category will have his/her full residence address displayed. Generally, full address disclosure will occur if he/she has been convicted of any of the following:

- Lewd conduct with a child under the age of 14.
- A sex offense involving force or fear.
- A designated sex crime with a prior or subsequent conviction for a sex crime requiring registration.
- An offense resulting in a commitment as a Sexually Violent Predator as defined in Section 6600 of the Welfare and Institutions Code.

2) ZIP Code Only. A sex offender in this category is required to register and has been convicted of an offense(s) subject to public disclosure. However, he/she does not meet the "Full Address" display criteria. Although the offender's ZIP Code rather than "Full Address" will be displayed, all other personal profile information will be the same.

3) No Post. While known to law enforcement, a sex offender in this category will not be disclosed on the public Internet Web site.

### **Sex Offender Criminal History Record Review**

Prior to the Internet Web site becoming operational, the DOJ reviewed the sex offense convictions of over 102,000 registered sex offenders currently listed in the VCIN. This review was necessary to determine each sex offender's display category.

### **Criteria for Exclusion from the Web Site**

Section 290.46 PC allows registered sex offenders to apply to the DOJ for possible exclusion from the public Internet Web site. However, such exclusion is not automatic. The sex offender's sex offense convictions must be verified and the exclusion will be approved only if he/she meets the criteria for exclusion. To qualify, a sex offender must only have been convicted of the following:

- A felony violation of Section 243.4(a) PC - Sexual Battery.
- A misdemeanor violation of Section 647.6 PC - Annoying or Molesting Children Under 18.
- A violation of Sections 288 PC or 288.5 PC (involving sex crimes against children), if the offender successfully completed probation pursuant to Section 1203.066(c) PC.

A copy of the necessary *Application for Exclusion from Internet Disclosure* form (SS-4046D) is available on the Megan's Law Internet Web site at <http://meganslaw.ca.gov>. While an individual may be excluded from the public Internet Web site, they are not relieved of their permanent on-going registration obligations.

### **Impact on Existing Megan's Law**

Although AB 488 added Section 290.46 PC to the Penal Code, it did not repeal existing Megan's Law statutes, Sections 290.4 PC and 290.45 PC. These mandate that the DOJ continue to make Megan's Law information available to LEAs via the Megan's Law Intranet Application and establishes guidelines for LEAs to use when notifying the public about "High Risk" and "Serious" registered sex offenders.

It is important to note that the existing Megan's Law designations, "High Risk," "Serious," and "Other," will not be used for Internet Web site display purposes. Instead, the categories "Full Address," "ZIP Code Only," or "No Post" will be used pursuant to AB 488 criteria.

The DOJ will continue to maintain both the pre-existing Megan's Law Intranet Application along with the new Internet Web site made available to the public. Any change would require the enactment of new legislation amending Sections 290.4 PC and/or 290.45 PC.

### **Frequently Asked Questions (FAQs):**

The following FAQs, presented in a question (Q) and answer (A) format, are being provided to supplement the above information:

***Q. With DOJ's new Internet Web site, will LEAs still be required to provide Megan's Law information to the public?***

A. Yes. Section 290.4 PC has not been repealed. Current law continues to require that all sheriffs' offices and municipal police departments serving a population of 200,000 or more must make available to the public Megan's Law information via an electronic format. The DOJ will continue to provide Megan's Law information to law enforcement through its Intranet. Any change would be dependent on the enactment of future legislation amending Section 290.4 PC.

Regardless, we expect the majority of the public will now use the new Internet Web site in light of convenient Internet access, expanded information, and the new mapping functionality.

***Q. Will an LEA still be able to notify the public about sex offenders?***

A. Yes. Section 290.45 PC has not been repealed and is still law. This section identifies the requirements for providing information to the public on "High Risk" and "Serious" registered sex offenders. LEAs are still required to use these guidelines when notifying the public about sex offenders. Any change to this requirement would be contingent upon legislative changes to Section 290.45 PC.

***Q. What happens if an LEA identifies a registered sex offender who is not displayed on the new public Internet Web site, but is identified on the Megan's Law Intranet Application?***

A. In some cases, due to the differences existing between Sections 290.4 PC and 290.46 PC, this situation may occur. As an example, under Section 290.46 PC, a registered sex offender may apply and be granted an exclusion from Internet disclosure if his/her only conviction is for Section 243.4 PC (Sexual Battery). Under Section 290.4 PC, this sex offender is classified as "Serious" and his/her name is contained on the Megan's Law Intranet Application available for public viewing. In this case, an LEA may use the provisions contained in Section 290.45 PC to notify the community of the sex offender.

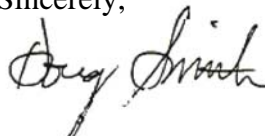
***Q. What should an LEA do if a sex offender contacts them and requests an exclusion from disclosure on the new public Internet Web site?***

A. The DOJ has responsibility for processing all *Application for Exclusion from Internet Disclosure* forms submitted by registered sex offenders. However, LEAs can help expedite this process by providing as much information to the sex offender as possible. It is important that the registrant understand how the application process works and what supporting documentation might be required for submission. LEAs are encouraged to contact the DOJ staff identified below to acquire additional information. A copy of the *Application for Exclusion from Internet Disclosure* form (SS-4046D) and associated instructions are attached.

Additional information on the implementation status of AB 488 and any possible future amendments to Sections 290.4 PC and/or 290.45 PC will be periodically updated on the AG's Home Page (<http://ag.ca.gov>) and sent to you in a subsequent Information Bulletin. If you have specific questions concerning this Information Bulletin, please contact any of the following:

<u>Name</u>	<u>Telephone Number</u>	<u>E-Mail Address</u>
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Sincerely,



DOUG SMITH, Deputy Director  
Division of California Justice Information Services

For BILL LOCKYER  
Attorney General

Attachments